

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Revision petition filed by Sri Y.B. Raghavender Rao S/o Y. Venkata Narasimha Rao, against the Proceedings of the Joint Collector, Nizamabad District – under section 8(1) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Revision Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 47

DATED:15.07.2011.

Read the following.

1. From the Joint Collector, Nizamabad Proceedings No. D6/4889/91, dated: 19.08.1993
2. G.O.Ms.No. 43 SW (CV.2) Dept., dated. 15.05.2000.
3. Orders of High Court A.P., Hyderabad in WP No.13265 of 2003, dated. 21.11.2008.
4. Government Memo No. 8703/CV.2/2003, SW(CV.2) Dept., Dated.05.02.2009.
5. Revision petition of Sri Y.B.Raghvender Rao, dated. 18.2.2009 received through M (TW& RIAD), dated.24.2.2009.
6. From the District Collector, Nizamabad, Lr. No. C3/4066/2003, dated. 03.07.2009.
7. Government Letter No. 8703/CV.2/2003, SW(CV.2) Dept., dated. 10.06.2010.
8. Government Memo No. 8703/CV.2/2003, SW (cv.2) Dept. Dated. 25.03.2011.

ORDER:

In the reference 1st read above the Joint Collector, Nizamabad have issued orders for canceling Scheduled Tribe certificate obtained by Sri Y.B.Raghavender Rao S/o Y. Venkata Narasimha Rao R/o H.No.2-7-23/A, Ramnagar, Near Old Bus Stand, Backside Renuka Finance, Sangareddy, Medak District, from the then Tahasildar, Yella Reddy.

2. Aggrieved by the said orders Sri Y.B. Raghavender Rao have filed appeal petition before the Government. After examining the same in the reference 2nd read above orders were issued by rejecting the appeal petition of Sri Y.B. Raghavender Rao duly confirming the orders issued in the reference 1st read above.

3. Sri Y. B. Raghavender Rao has filed W.P. No. 13265 of 2003 in A. P. High Court to suspend the operation of order passed by the 3rd respondent in proceedings No. D6/4889/91, dated 19.08.1993 which are confirmed by the Government in G.O.Ms. No. 43, SW(CV.2) Department, dated 15.05.2000 are arbitrarily, illegal and consequently set aside the same.

4. In the reference 3rd read above Hon'ble High Court of Andhra Pradesh, Hyderabad has set aside the orders issued in the reference 2nd read above and remitted the matter to the Government directing to dispose of the Review Petition filed by the petitioner against the orders of the Joint Collector, Nizamabad dated 19.08.1993.

5. As per the orders dated 21.11.2008 of the Hon'ble High Court of Andhra Pradesh, Hyderabad in WP. No. 13265 of 2003, the District Collector, Nizamabad was requested to furnish connected records to finalize the Revision petition of Sri Y.B. Raghvender Rao, in the reference 4th read above.

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6. In the reference 5th read above Sri Y.B. Raghavender Rao has filed Revision petition against the orders of the Joint Collector, Nizamabad dated 19.08.1993 and in pursuance of the orders dated 21.11.2008 of the Hon'ble High Court in WP No. 13265 of 2003 and he has also made the following grounds, in the Review petition:

1. The Joint Collector, Nizamabad failed to appreciate that the fact that the persons who are inimical to the appellant have made an appeal for cancellation of the caste certificate and the authority has also failed to appreciate the fact that the Manneruvarlu caste comes under Scheduled Tribes category.
2. The Joint Collector, Nizamabad failed to appreciate the fact that the caste certificate was issued to the appellant on 14.03.1980 after conducting a detailed enquiry and after verification of all the records in the locality. Therefore, the cancellation of caste certificate basing on a false complaint is illegal and arbitrary.
3. The Joint Collector, Nizamabad failed to appreciate the fact that the Director General of Police has conducted a detailed enquiry with regard to one Sri Nagabhushana Rao, Circle Inspector, and one Sri Ramakrishna Rao, Forest officer and submitted a report in which it is stated that the 'Manneruwarlu' people are also called as Kshatriyulu. Therefore, the appellant belongs to Manneruwarlu caste. The M.R.O., Nizamsagar, filed a Criminal Case in C.C.No. 16/94 on the file of the Judicial Magistrate of I class, Yellareddy, in which the appellant was acquitted on 29.09.1995. Therefore, there is no material before the Joint Collector to come to the conclusion that the appellant is not belongs to Manneruwarlu caste, only on assumptions and presumptions, the order was passed without enquiry in detail. Therefore, the order is liable to be set aside.
4. The District Collector, Nizamabad District, on 31.03.2008 in an identical case of one Sri B. Nagabhushanam Rao, has held that the Manneruwarlu caste is comes under Scheduled Tribes category. The appellant herein is also submitting Affidavits issued by one Sri K. Narayana of Singeetham Village and Sri K.Gangaram stating that the appellant belongs to 'Manneruwarlu' caste and which comes under Scheduled Tribes category. The appellant is also submitting the declarations of Sri R. Chinapapi Reddy of Singeetham Village, Sri M. AnanthaChari, Sri G.Naga Goud, Sri K. Gangaiah, Sri G. Sai Goud and the certificaste issued by the Gram Panchayat, Singeetham, to show that the appellant belongs to Manneruwarlu caste. Therefore, the evidence submitted by the appellant would clearly demonstrates that he belongs to Manneruvarlu caste is belongs to Scheduled Tribes category.

7. In the reference 6th read above, the District Collector, Nizamabad has furnished the original connected records of Sri Y.B. Raghvender Rao.

8. In the references 7th and 8th read above, the Review petitioner was requested to attend the hearing on the Revision petition filed by him. The Revision petition was finally heard on 06.04.2011 by the Hon'ble Appellate Authority.

9. After examination of records and proceedings of the Joint Collector, Nizamabad dated.19.08.1993, grounds and written arguments submitted by the Revision petitioner, it is observed that in the school record of Sri Y.B Raghvender Rao, the Review petitioner, the caste was recorded as Kshatriya, whereas, as per the version of the villagers the Munneruwarlu also are called as Doras, Kshatriyas in certain districts of A.P.. Certain elders and Sarpanch of Singeetham Village have accepted and filed declarations that Sri Y. B. Raghvender Rao belong to Munneruwarlu, which comes under S.T. Community.

10. After careful examination of the matter and the documentary evidence i.e. Declarations/ Affidavits etc. filed by elders of Singeetham Village and after hearing the oral evidences, the issue of community certificate to Sri Y.B. Raghvender Rao the Review petitioner by the M.R.O Nizamsagar,(the then Tahsildar Yellareddy) Nizamabad District is in accordance with the rules. Hence in Exercise of the powers conferred under section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community certificates Act 1993 (Act No16 of 1993), the Revision Petition filed by Sri Y.B.Raghavender Rao S/o Y. Venkata Narashima Rao is hereby allowed by upholding the ST community certificate issued to Sri Y.B. Raghvender Rao and the orders issued in the reference 2nd read above is hereby cancelled.

11. The District Collector, Nizamabad shall take necessary action in the matter.

12. The records (containing No. (1)R Dis. C3/1757/2001 c.f.p 01 to 480, n.f.p :01 to 45 Total 525 and (2) c.f.p 01 to 142, n.f.p 08 Total 150) received from the District Collector, Nizamabad District, through 5th read above, are returned herewith in original to District Collector, Nizamabad and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Nizamabad (By RPAD) (with original records)

Sri Y.B. Raghavender Rao
S/o Y.Venkatanarasimha Rao
H.No.2-7-23/A, Ramnagar, Near Old Bus Stand,
Backside Renuka Finance,
Sangareddy, Medak Dist.

Sri G.Vidya Sagar, Advocate,
1-8-475, Venkateswara Temple Lane,
Chikkadapally, Hyderabad-20

Copy to:

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER